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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/843,589

04/25/2001

John Anthony Bruckner

113748-5764US

8739

27189 7590 08/31/2007

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EXAMINER

YIMAM, HARUN M

ART UNIT

PAPER NUMBER

2623

NOTIFICATION DATE

DELIVERY MODE

08/31/2007

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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PTONotifications@procopio.com

Office Action Summary

Application No.

09/843,589

Applicant(s)

BRUCKNER ET AL.

Examiner

Harun M. Yimam

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2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-9,11,12,19-21,23-29 and 34-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-9,11,12,19-21,23-29 and 34-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/26/2007 has been entered.

Response to Arguments

2. Applicant's arguments filed 06/26/2007 with respect to claims 1, 3, 5-9, 11, 12, 19-21, 23-29 and 34-50 have been fully considered but are moot in view of new grounds of rejection.

Although a new ground of rejection has been used to address additional limitations that have been added to **claims 1, 5-7, 9, 19 and 27**. A response is considered necessary for some of applicant's arguments since applicants make arguments that need to be addressed and also since references Barone (US 2005/0005303), Kalluri (US 5,937,331), Andrade (US 2002/0059644), Zigmond (US 6,698,020), Markel (US 6,791,579) and Zigmond (US 6,330,719) will continue to be used to meet several claimed limitations.

3. In response to applicants' argument (page 23, 2nd paragraph) that Markel clearly fails to teach or disclose that the interactive enabling device is configured for receiving interactive program and commercial pre-triggers that were inserted into the broadcast stream by the broadcast sponsor at a specific time in advance of when the interactive program and commercial content is needed, based on estimates for communication link speed, applicants should first note that it is the combination of Barone and Kalluri that teaches that the interactive enabling device is configured for receiving interactive program and commercial pre-triggers that were inserted into the broadcast stream by the broadcast sponsor at a specific time in advance of when the interactive program and commercial content is needed. Markel was brought in to teach inserting pre-triggers in a broadcast stream based on estimates for communication link speed. Markel—column 6, lines 36-47 teaches said claimed limitations i.e., the pre-fetching of enhancement information to accommodate access latencies. Latency is inherently dependent upon communication link speed. If there was no latency the downloading of the content would occur instantaneously. It is the communication link speed that determines the access latency, as the time required to download and access the file is directly related to the download speed. Therefore, Markel's teaching of pre-fetching of enhancement information to accommodate access latencies meets the claimed limitation.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3 and 19 - 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barone (US 2005/0005303) and Kalluri (US 5,937,331) in view of Andrade (2002/0059644) and in further view of (ATVEF Specification v1.1 r26).

Considering claims 1, 19 and 20, Barone discloses an interactive enabling system (20 in figure 3) for managing interactive program content (interactive content—paragraph 0031, lines 1-5) associated with enhanced program content (enhanced program—paragraph 0031, lines 1-5) and interactive commercial content (interactive content—paragraph 0044, lines 1-7) associated with commercial spots (commercial slots during a particular program—paragraph 0035, lines 7-10), the system comprising:

an interactive enabling device (ITV receiver 20 in figure 3) coupled for receiving a broadcast stream (TV signal—paragraph 0026, lines 1-8), said broadcast stream including the enhanced program content (enhanced program- interactive commercial content—paragraph 0031, lines 1-5 and paragraph 0044, lines 1-7) in series with the commercial spots (commercial slots during a particular program—paragraph 0035,

lines 7-10), the broadcast stream further including commercial pre-triggers (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the program being broadcast—paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) and interactive commercial triggers (embedded commands that instructs ITV receiver to begin displaying the downloaded content—paragraph 0050, lines 6-8) for retrieving the interactive commercial content (for preloading/precaching interactive commercial contents—paragraph 0044, lines 1-7); and

at least one interactive content server (32 in figure 3) coupled for communicating with an interactive control application in the interactive enabling device (interactive enabling device, ITV receiver 20 in figure 3, is already programmed to automatically establish a link with the interactive content server upon the receipt of any ITV data i.e., interactive commercial triggers—paragraph 0014, lines 7-12, paragraph 0028, lines 1-9);

wherein the interactive enabling device (ITV receiver 20 in figure 3) executes the interactive control application (inherently disclosed as addressed in the limitation discussed above) to manage the retrieval of the interactive program (corresponding TV segment) and commercial content (television commercial—paragraph 0027, lines 1-6) from the at least one interactive content server (32 in figure 3) in response to the program and commercial pre-triggers and make available the interactive program and commercial content in response to the interactive program and commercial triggers (Desired content is delivered to ITV receiver from the content server, upon receipt of commercial pre-triggers/ITV data, and preloaded/precached for subsequent

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presentation to the user—paragraph 0027, lines 1-6, paragraph 0029, lines 4-9. Then embedded commands/commercial triggers instruct ITV receiver to begin displaying the downloaded content—paragraphs 0049 and 0050),

wherein the interactive enabling device (ITV receiver 20 in figure 3) is operable to respond to a commercial pre-trigger (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the program being broadcast—paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) embedded in the enhanced program content (the ITV data is embedded in the TV signal—paragraph 0043, lines 1-8).

Barone fails to disclose that the broadcast stream further includes program pre-triggers and interactive program triggers for retrieving the interactive program.

In analogous art, Kalluri discloses a broadcast stream (AVI signal) including program pre-triggers (trigger command for **loading** the interactive program) and interactive program triggers for retrieving the interactive program (trigger command for **playing** the interactive program—column 2, lines 30-53, column 4, lines 56-67 and column 5, lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barone's system to include program pre-triggers and interactive program triggers, as taught by Kalluri, for the benefit of providing end-users television program associated interactive programming that is controlled by trigger commands (column 5, lines 21-24).

Barone and Kalluri fail to disclose that the interactive control application includes a gatekeeper function for selectively retrieving interactive program and commercial content in response to recognized interactive program and commercial triggers.

In analogous art, Andrade discloses that the interactive control application includes a gatekeeper function (paragraph 26, lines 1-13) for selectively retrieving interactive program (interactive TV trigger 112 is used to selectively retrieve an interactive program and commercial content from the currently tuned to TV broadcast stream 108—paragraph 0020, lines 9-14) and commercial content in response to recognized interactive program and commercial triggers (paragraph 0028, lines 7-14).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Barone and Kalluri to include a gatekeeper function, as taught by Andrade, for the benefit of selectively retrieving interactive program and commercial content (paragraph 0020, lines 9-14).

Barone, Kalluri and Andrade disclose an interactive enabling system and method for managing interactive program and commercial content.

Barone, Kalluri and Andrade fail to disclose that the interactive enabling device is configured for receiving and responding to the program pre-triggers, the interactive program triggers, the commercial pre-triggers, and the interactive commercial triggers

embedded in the broadcast stream to ensure that the interactive program and commercial content do not overlap and interfere with each other.

In analogous art, (ATVEF Specification v1.1 r26) discloses that the interactive enabling device is configured for receiving and responding to the program pre-triggers, the interactive program triggers, the commercial pre-triggers, and the interactive commercial triggers embedded in the broadcast stream to ensure that the interactive program and commercial content do not overlap and interfere with each other (page 28, paragraphs 7 and 8). When a **new** enhancement (for example—interactive commercial content) is being received at the same time as an **existing** enhancement (interactive program content) is being displayed, and the new enhancement delivers its first trigger, the client ignores the new enhancement trigger until the existing enhancement has been completed, thereby preventing interactive content overlap and interference.

It would have been obvious to one of ordinary skill in the art to modify the combined system of Barone, Kalluri and Andrade to include preventing interactive content overlap and interference, as taught by (ATVEF Specification v1.1 r26), for the benefit of allowing the viewer to complete the existing enhancement without any interruption.

With regards to claims 3 and 21, Barone, Kalluri, Andrade and ATVEF Specification v1.1 r26 disclose the claimed limitations. In particular, Andrade discloses that the interactive enabling device retrieves the interactive program (paragraph 0020, lines 9-14) and commercial content (paragraph 0028, lines 7-14) from the at least one interactive content server through a communication link or assembled from information in the broadcast stream (paragraph 0038, lines 1-13).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Barone and Kalluri to include a communication link, as taught by Andrade, for the benefit of retrieving the interactive program and commercial content from the interactive content server (paragraph 0038, lines 1-13).

6. Claims 5 – 7 and 23 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barone (US 2005/0005303) and Kalluri (US 5,937,331) in view of Andrade (US 2002/0059644) and (ATVEF Specification v1.1 r26), as applied to claims 1 and 19 above, and further in view of Zigmond (US 6,698,020).

Considering claims 5 and 23, Barone, Kalluri, Andrade and ATVEF Specification v1.1 r26 disclose an interactive enabling system and method for managing interactive program and commercial content.

Barone, Kalluri, Andrade and ATVEF Specification v1.1 r26 fail to disclose an agreement between broadcasters and program or commercial sponsors for selecting and displaying interactive program and commercial content.

In analogous art, Zigmond discloses that the said gatekeeper is configured to recognize the interactive program and commercial triggers based on agreements between broadcasters and program or commercial sponsors (column 8, lines 55-64).

It would have been obvious to one of ordinary skill in the art to modify the combined system of Barone, Kalluri, Andrade and ATVEF Specification v1.1 r26 to include an agreement between broadcasters and program or commercial sponsors, as taught by Zigmond, for the benefit of having the ability to specifically target viewers (column 8, lines 58-60).

As for claims 6 and 24, it is met by the combination of Barone, Kalluri, Andrade, ATVEF Specification v1.1 r26 and Zigmond. In particular, Zigmond discloses that the gatekeeper is configured to recognize the interactive program and commercial triggers based on parameters embedded within the interactive program and commercial triggers (column 12, lines 15-32).

With regards to claims 7 and 25, it is met by the combination of Barone, Kalluri, Andrade, ATVEF Specification v1.1 r26 and Zigmond. In particular, Zigmond discloses

that the gatekeeper is configured to recognize the interactive program and commercial triggers based on parameters maintained within the interactive enabling device (column 12, lines 15-32).

7. Claims 8 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable Barone (US 2005/0005303) and Kalluri (US 5,937,331) in view of Andrade (2002/0059644) and (ATVEF Specification v1.1 r26), as applied to claims 1 and 19 above, and further in view of Zigmond (US 6,330,719).

Regarding claim 8, Barone, Kalluri, Andrade and (ATVEF Specification v1.1 r26) disclose the claimed limitations. In particular, Barone discloses a plurality of additional interactive enabling devices (ITV receivers—paragraph 0044, lines 1-7) in addition to said interactive enabling device (ITV receiver—20 in figure 3), each of said plurality of additional interactive enabling devices coupled for receiving a broadcast stream (TV signal—paragraph 0026, lines 1-8). Barone further discloses interactive program (interactive content for a corresponding TV program—paragraph 0031, lines 1-5) and commercial pre-triggers inserted into the broadcast stream (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the program being broadcast— paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) for retrieving the interactive program (corresponding TV segment) and commercial content (television commercial— paragraph 0027, lines 1-6).

Barone, Kalluri, Andrade and (ATVEF Specification v1.1 r26) fail to disclose a randomizer for randomly time-skewing the retrieval of the interactive program and commercial content in response to the interactive program and commercial pre-triggers.

In analogous art, Zigmond discloses a randomizer (interactive television receiver unit browser—column 2, line 27 and column 8, lines 65 – column 9, lines 7) for randomly time-skewing the retrieval of the interactive program and commercial content in response to the interactive program and commercial pre-triggers (column 2, lines 26-30 and 47-56 and column 4, lines 24-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Barone, Kalluri, Andrade and (ATVEF Specification v1.1 r26) to include a random time-skewing, as taught by Zigmond, for the benefit of eliminating throughput bottlenecks by spreading accesses of a destination out over time (column 2, lines 47-56).

Considering claim 26, it is rejected for the same reasons as discussed in claims 9 and 12.

8. Claims 9, 11, 27, 28, 34 – 42 and 45-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barone (US 2005/0005303) in view of Kalluri (US 5,937,331) and further in view of Markel (US 6,791,579).

Considering claims 9, 27, 34-38, 40, 41 and 45-47, Barone discloses an interactive enabling system (20 in figure 3) for managing interactive program content (interactive content—paragraph 0031, lines 1-5) associated with enhanced program content (enhanced program—paragraph 0031, lines 1-5) and interactive commercial content (interactive content—paragraph 0044, lines 1-7) associated with commercial spots (commercial slots during a particular program—paragraph 0035, lines 7-10), the system comprising:

an interactive enabling device (ITV receiver 20 in figure 3) coupled for receiving a broadcast stream (TV signal—paragraph 0026, lines 1-8) generated by a broadcast sponsor and for responding to commercial pre-triggers inserted into the broadcast stream (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the program being broadcast—paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) for retrieving the interactive program (corresponding TV segment) and commercial content (television commercial—paragraph 0027, lines 1-6) in advance of when the content is needed (before the corresponding TV segment will be broadcast—paragraph 0026, lines 5-8), said broadcast stream including the enhanced program content (enhanced program- interactive commercial content—paragraph 0031, lines 1-5 and

paragraph 0044, lines 1-7) and the commercial spots (commercial slots during a particular program—paragraph 0035, lines 7-10); and

at least one interactive content server (32 in figure 3) coupled through a communication link for communicating with an interactive control application in the interactive enabling device (interactive enabling device, ITV receiver 20 in figure 3, is already programmed to automatically establish a link with the interactive content server upon the receipt of any ITV data i.e., interactive commercial triggers—paragraph 0014, lines 7-12, paragraph 0028, lines 1-9);

wherein the interactive enabling device (ITV receiver 20 in figure 3) executes the interactive control application (inherently disclosed as addressed in the limitation discussed above) to manage the retrieval of the interactive program (corresponding TV segment) and commercial content (television commercial—paragraph 0027, lines 1-6) in response to the commercial pre-triggers (the ITV data, which can be a simple trigger or other command that commands the ITV receiver to retrieve some interactive content—paragraph 0027, lines 1-6); and

wherein the interactive enabling device (ITV receiver 20 in figure 3) is operable to respond to a commercial pre-trigger (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the program being broadcast—paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) embedded in the enhanced program content (the ITV data is embedded in the TV signal—paragraph 0043, lines 1-8).

Barone fails to disclose that the broadcast stream further includes program interactive pre-triggers for retrieving the enhanced program content.

In analogous art, Kalluri discloses a broadcast stream (AVI signal) including interactive program pre-triggers (the interactive program trigger is pre-inserted into the broadcast stream) for retrieving the interactive program (see column 2, lines 30-53, column 4, lines 56-67 and column 5, lines 21-24).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Barone's system to include interactive program pre-triggers, as taught by Kalluri, for the benefit of providing end-users television program associated interactive programming that is controlled by trigger commands (column 5, lines 21-24).

Barone and Kalluri fail to disclose that the interactive pre-triggers are inserted into a broadcast stream based on estimates for communication link speed.

In analogous art, Markel discloses that the interactive enabling device is configured for receiving interactive program and commercial pre-triggers that were inserted into the broadcast stream by the broadcast sponsor at a specific time in advance of when the interactive program and commercial content is needed, based on estimates for communication link speed (column 6, lines 36-47).

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Barone and Kalluri to include insertion of pre-triggers based on communication link speed, as taught by Markel, for the benefit of understanding bandwidth constraints and determining the insertion rate.

With regards to claims 11 and 28, it is met by the combination of Barone, Kalluri and Markel. In particular, Markel discloses the interactive enabling device includes a list of approved pre-triggers; and wherein the interactive control application enables the retrieval of the interactive program and commercial content only if codes embedded in the interactive program pre-triggers and commercial pre-triggers match the codes in the list of approved pre-triggers (column 3, lines 52-57 and column 6, lines 44-47).

As for claim 39, it is met by the combination of Barone, Kalluri and Markel. In particular, Barone discloses that the said interactive enabling device (ITV receiver—20 in figure 3) is configured to respond to said interactive commercial pre-trigger (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the program being broadcast—paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) by executing said interactive control application to manage the retrieval of interactive commercial content that is specified by the interactive commercial pre-trigger during a time when the interactive enabling device is receiving the enhanced program content (enhanced program - interactive commercial content—paragraph 0031, lines 1-5 and paragraph

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0044, lines 1-7) in the broadcast stream (paragraph 0015, lines 6-11 and paragraph 0036, lines 1-7).

Considering claim 42, it is met by the combination of Barone, Kalluri and Markel. In particular, Barone discloses that the interactive commercial pre-trigger (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the program being broadcast—paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) occurs earlier in the broadcast stream than a commercial spot of the commercial spots that is associated with the interactive commercial pre-trigger (see figure 2b and paragraph 0026, lines 1-8).

9. Claims 12, 29, 43, 44 and 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable Barone (US 2005/0005303) and Kalluri (US 5,937,331) in view of Markel (US 6,791,579), as applied to claims 9 and 27 above, and further in view of Zigmond (US 6,330,719).

Regarding claim 12, Barone, Kalluri and Markel disclose the claimed limitations. In particular, Barone discloses a plurality of additional interactive enabling devices (ITV receivers—paragraph 0044, lines 1-7) in addition to said interactive enabling device (ITV receiver—20 in figure 3), each of said plurality of additional interactive enabling devices coupled for receiving a broadcast stream (TV signal—paragraph 0026, lines 1-8). Barone further discloses interactive program (interactive content for a

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corresponding TV program—paragraph 0031, lines 1-5) and commercial pre-triggers inserted into the broadcast stream (URL link, trigger, or any other ITV data is pre-inserted/preloaded into the program being broadcast— paragraph 0014, lines 1-6 and paragraph 0026, lines 1-8) for retrieving the interactive program (corresponding TV segment) and commercial content (television commercial—paragraph 0027, lines 1-6).

Barone, Kalluri and Markel fail to disclose a randomizer for randomly time-skewing the retrieval of the interactive program and commercial content in response to the interactive program and commercial pre-triggers.

In analogous art, Zigmond discloses a randomizer (interactive television receiver unit browser—column 2, line 27 and column 8, lines 65 – column 9, lines 7) for randomly time-skewing the retrieval of the interactive program and commercial content in response to the interactive program and commercial pre-triggers (column 2, lines 26-30 and 47-56 and column 4, lines 24-34).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Barone, Kalluri and Markel to include a random time-skewing, as taught by Zigmond, for the benefit of eliminating throughput bottlenecks by spreading accesses of a destination out over time (column 2, lines 47-56).

Considering claim 29, it is rejected for the same reasons as discussed in claims 9 and 12.

As for claim 43, it is met by the combination of Barone, Kalluri, Markel, and Zigmond. In particular, Zigmond discloses that the randomizer (interactive television receiver unit browser—column 2, line 27 and column 8, lines 65 – column 9, lines 7) randomly time-skews a beginning of a retrieval of interactive commercial content that is specified by the interactive commercial pre-trigger within an allotted time window (column 2, lines 26-56 and column 4, lines 24-34).

With regards to claim 44, it is met by the combination of Barone, Kalluri, Markel, and Zigmond. In particular, Zigmond discloses that the time window is a time period (period of time—column 2, lines 27-28 and column 4, lines 13-31) during which the interactive enabling device (interactive television receiver unit—column 8, lines 48-57) and each of the additional interactive enabling devices receive the enhanced program content in the broadcast stream (column 4, lines 47-64).

Regarding claim 48, it is rejected for the same reasons as discussed in claims 9 and 43.

Considering claims 49 and 50, they are rejected for the same reasons as discussed in claims 9 and 12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HMY


ANDREW Y. KOENIG
PRIMARY PATENT EXAMINER